

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CONSTRUCTION LABORERS TRUST
FUNDS FOR SOUTHERN CALIFORNIA
ADMINISTRATIVE COMPANY,

Plaintiff,

v.

WHITE'S EXCAVATING, INC., et al.,

Defendants.

NO. CV 08-05726 SJO (VBKx)

JUDGMENT

This matter came before the Court on Plaintiff Construction Laborers Trust Funds for Southern California Administrative Company's ("Plaintiff") Motion for Default Judgment. After full consideration of all admissible evidence and documents submitted, the Court granted Plaintiff's Motion against Defendants White's Excavating, Inc. and Dann White (collectively "Defendants").

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

- (1) That judgment be entered in favor of Plaintiff;
- (2) That Plaintiff is awarded a total of \$58,980.87, consisting of: (A) \$54,832.85 in unpaid contributions, interest on the unpaid contributions and liquidated damages; (B) \$3,641.09 in attorney's fees; and (C) \$506.93 in costs;
- (3) That Defendants are jointly and severally liable for \$48,173.45;

1 (4) That White's Excavating, Inc. is solely liable for \$6,659.40;

2 (5) That White's Excavating, Inc. shall submit to an audit by Plaintiff for the period from
3 September 2007 to the date of the audit, of the following documents:

4 (1) All of White's' payroll and employee documents as well as any other
5 documents that may be relevant to a determination of the work performed by
6 [White's], its employees, its subcontractors, and its subcontractors'
7 employees, including but not limited to payroll journals, employee earning
8 records, certified payroll records, payroll check books and stubs, cancelled
9 payroll checks, payroll time cards and state and federal tax returns (and all
10 other state and federal tax documents), as well as labor distribution journals
11 and any other documents that may be relevant to an identification of the
12 employees who performed work for [White's] or its subcontractors, or which
13 are relevant to a determination of the projects on which [White's], its
14 employees, its subcontractors or its subcontractors' employees performed
15 work, including any documents that provide the names, addresses, social
16 security numbers, job classification or the number of hours worked by any
17 one or more of [White's] employees, subcontractors or subcontractors'
18 employees;

19 (2) All of [White's]'s job files for each contract, project or job on which [White's],
20 its employees, its subcontractors or its subcontractors' employees worked,
21 including but not limited to all documents, agreements and contracts between
22 [White's] and any general contractor, subcontractor, owners, builder or
23 developer, as well as all field records, job records, notices, project logs,
24 supervisors' diaries or notes, employees' diaries, memoranda, releases and
25 any other documents that relate to the supervision of [White's]'s employees,
26 its subcontractors or its subcontractors' employees, or the projects on which
27 [White's], its employees, its subcontractors or its subcontractors' employees
28 performed work;

(3) All of [White's]'s documents related to cash receipts, including but not limited to [White's]'s cash receipts, journals, accounts receivable journals, accounts receivable subsidiary ledgers and billing invoices for all contracts, projects or jobs on which [White's], its employees, its subcontracts or its subcontractors' employees worked;

(4) All of [White's]'s bank statements, including but not limited to those for all checking, savings and investment accounts;

(5) All of [White's]'s documents related to cash disbursements, including but not limited to vendors' invoices, cash disbursement journals, accounts payable journals, check registers and all other documents which indicate cash disbursements;

(6) All collective bargaining agreements between [White's] and any trade union, and all records of contributions by [White's] to any trade union trust fund other than the Trust Funds; and

(7) All documents related to the formation, licensing, renewal or operation of [White's].

(6) That White's is enjoined to comply with its obligations to timely pay and report contributions to the Trust Funds.

IT IS SO ADJUDGED.

January 27, 2009

/S/ S. James Otero

S. JAMES OTERO
UNITED STATES DISTRICT JUDGE